TERMS OF SPECIFICATIONS AND CONTRACTS.

CHALK v. BROWN.

THIS action, brought in the Brompton County Court, to recover 12*l.* is one of some importance to parties contracting.

The plaintiff is a plumber and glazier, and defendant is a builder, of Turnham Green, but was sued in his capacity of churchwarden of St. Paul's Church, Hammersmith, for extra work done over the contract entered into.

The plaintiff said, he with others sent in estimates for work required to be done at St. Paul's Church. That his estimate was accepted. The specification, amongst other items, required the contractor to paint *outside* the church.

After performing his part of the contract, the defendant gave him orders to paint the churchyard railings, but was not to give more than two coats of paint, as there was such a small rate for repairs.

The contract and specification were here put in as evidence. The specification drawn out by Mr. Brown, mentioned the iron railings, whilst the contract written from it, and signed by the parties, bound the contractor to paint outside the church. A long argument took place upon the point, plaintiff's solicitor (Mr. Roberts), contending that the precise words of the contract should be binding, whilst defendant's solicitor (Mr. Bird), argued that the specification was as much a legal instrument as the contract; and that although the contract omitted the churchyard railings, the tenor of the specification could alone be construed.

For the defence, Mr. Brown said, when Chalk's estimate was accepted, he told him that the iron rails were to be part of the contract. He considered Chalk's claim outrageous, as all the other estimates sent in included these rails. Considered the matter so simple, and that Chalk fully understood what he was to do, that it was needless to embody the iron railings in the contract. Has never said plaintiff ought to be paid for it.

Mr. Saunders said his tender in competition was 16*l.* 10*s.* which included the iron railings.

Mr. Bean, a surveyor, said, with respect to the words painting outside the church, and painting the churchyard railings, he, in drawing a specification out, would have been more particular with the items. He should consider that a specification to paint outside the church, would include the church railings.

The Judge said, he thought it was a very nice question. The specification written by defendant, mentioned these very rails, whilst the contract signed alluded vaguely to them by merely agreeing to paint the outside of the church. The Surveyor, who was called, gave it as his impression, that outside the church included the churchyard railing. He thought in the absence of any other professional demur to this view, that the defendant was entitled to a verdict.

Verdict for defendant and costs.

RATING RAILWAY STATIONS.

NORTH-WESTERN RAILWAY COMPANY v. THE POOR-RATE OF ST. PANCRAS.

ON the 7th ult. an appeal was heard before the assistant judge, Mr. Serjt. Adams, against a rate of 34,331*l.* on the stations, line, and buildings in St. Pancras parish. Under an arbitration, the amount had been fixed at 16,351*l.*

Mr. Hammack, when examined, said, he estimated the rateable value of the company's property in St. Pancras at 12,594*l.*

Cross-examined.—He had valued the buildings with regard to their public utility as a great railway establishment, and had fixed such a rent to each building as, if the company were disposed to let them to a tenant, they would realise by the year. He did not consider profit an element to be taken in estimating rateable value, as one person might earn a very large profit on a set of buildings, whilst another person might fail. He had looked at these buildings, as to what they were worth, as between tenant and owner, and he had taken a view most favourable to the parish. He had not in any way taken into consideration the earnings of the railway. He had not estimated, with reference to the considerations which would influence a tenant in taking a lease of the whole concern. He had merely taken them at a rental value, and had not considered the cost of construction. He had not given any consideration as to what principle a mile of the railway out of the parish should be rated on, with reference to the buildings in Euston-square.

Mr. George Smith, surveyor to the Mercers' Company, Mr. J. Allanson Picton, of Liverpool, and Mr. Philip Hardwick, gave similar estimates, formed on the same data. They agreed that the principle was a just and proper one.

It was admitted that the average annual earnings of that portion of the line in St. Pancras was 10,229*l.*

Mr. G. P. Bidder, C.E. was examined with reference to the expenses chargeable to the 10,229*l.* earned by the railway in St. Pancras. He showed that when these expenses were deducted, 1,097*l.* were left as the rateable value.

Mr. Penfold, Mr. C. Lee, and Mr. Gregory, were examined in support of the assessment for the parish. It was made on an estimate of the original cost of the works, and on an average of the earnings of the whole line.

The Assistant Judge said they found that the annual rateable value of the stations at Euston-square and Camden-town, taken upon the principle of what they *were* worth per annum, to be occupied for the purposes of a railway, was 12,718*l.* and that the annual rateable value of the portion of the line in the respondent parish, as the net proportion of its earnings to the earnings of the whole line, was 4,199*l.* and the Court fixed the assessment of the company at 16,917*l.* The principle set up for the respondent parish was one that could not be maintained. The stations must be assessed at what they would let for, but the portions of the line must be assessed on their proportion of the profits. If the parish were not satisfied with this decision, the Court would grant them a case for the Court of Queen's Bench.

Notices of Books.

Ancient Gothic Churches, their Proportions and Chromatics. Part III. By W. PETIT GRIFFITH, Architect, F.S.A. London, 9, St. John's-square. 1852.

Mr. GRIFFITH, in this part of his work, has given a chapter containing documentary evidence and opinions in favour of the theory, that geometry regulated architectural design in the ancient and mediæval times. These are collected from a variety of sources with great industry, and serve to show the prevalence of the impression, to call it nothing else. Of themselves, however, they are more curious than conclusive: we can look to the buildings remaining, and there the proof is clear. There can be no question whatever that the mediæval churches at all events were constructed by the multiplication of a given *unit*, and that geometrical principles regulated all their details. M. Remée has pointed out a curious relation between the number of bays into which the nave of Gothic churches is longitudinally divided, and the exterior and interior divisions of which the *apsis* consisted; so much so indeed, that from the number of sides of the apsis in the German churches the number of bays in the nave may be always predicated.

In the Appendix to the second edition of "The Encyclopædia of Architecture," recently mentioned by us, the writer says:—

"In respect of nonagonal termination, the most extraordinary instance of a coincidence with the rules laid down by the governing lodges, occurs in the Duomo of Milan, commenced at the end of the fourteenth century, and completed (the western front excepted) towards the end of the fifteenth century. However impure its details may appear to the rigid, it is nevertheless a monument of stupendous effect, and was doubtless the result of high refinement in the lodge which superintended its execution. Its apsis is formed by three sides of a nonagon, and the bays in the nave are nine in number. One-third of the arc contained under the side of an equilateral triangle, seems to be the governing dimension. The number three, submultiple of nine, pervades the structure. There are three bays in the choir, and the like number in the transepts. The vault of the nave is subtended by an equilateral triangle. The lower principal windows are each designed in three divisions, and in a transverse section of the nave, the voids are just one-third of the solids."

To return, however, to the book before us:—

Let us take some of the examples ingeniously worked out by Mr. Griffith. In King's College Chapel, Cambridge, the apex of the first triangle gives the height of the cill of the window, the second triangle the position of the transom, the third the height of the columns, and the fourth the exact height of the compartment at the summit of the groining. The length of the building is limited to twelve bases of the same equilateral triangle: the entire width is four times the altitude of the triangle.

Westminster Abbey, Lincoln Cathedral, Hereford Cathedral, Salisbury Cathedral, all offer illustrations of this mode of proportioning. In Sefton Church, near Liverpool, an equilateral triangle, the base of which extends from centre to centre of the side walls, regulates the whole in a remarkable manner.

Mr. Griffith adds an interesting chapter "On Architectural Botany; setting forth the geometrical Distribution of Foliage, Flowers, Fruit, &c." and this he has published also in a separate form.

A Concise Treatise on Eccentric Turning: to which are added Practical Observations on the Uses of the Eccentric Cutting Frame, the Drilling Frame, and the Universal Cutting Frame: illustrated by Figures and Eccentric Patterns, with full Instructions, &c. By an AMATEUR. Pelham Richardson, Cornhill, London. 1852.

THE object of this volume is to give a few practical instructions to beginners who know something of the use of the less complicated lathes for eccentric turning. Although it would not be very consistent with our general ideas to recommend a serious devotion to the production of geometrical and fancy patterns in ornamental art by turning, still as an occasional amusement, turning is one likely to induce a love of art in general, and itself requires some taste and tact in execution, while it may also exercise the inventive faculty. The book is nicely got up.

Miscellanea.

GAS IN ROME.—We mentioned a long time since, that arrangements had been made by an English company with the municipal council of Rome, for lighting the Eternal City with gas. Numerous obstacles have interposed to prevent the consummation of the scheme up to this time, but, through the perseverance and energy of Mr. Shepherd, the engineer, these have all been overcome, and the works will, we believe, be forthwith commenced under his directions. An account of the difficulties which have beset the attempt from first to last would be interesting and instructive. Mr. Shepherd has already successfully effected the lighting of several continental towns, and we cordially wish him success in his present undertaking.

RAILWAY ACCIDENTS.—I am not so sanguine as G. M. seems to be of the "conviction" that lateral oscillation is to be overcome, at least during the existence of the present system of locomotion. If G. M. or any other man can devise a means of counteracting this hitherto uncontrollable accompaniment of a railway train at high speed, I would congratulate him upon his valuable discovery. I can fully agree with G. M. that the breaking of the tyre in the instance quoted, is not to be attributed to atmospheric influence. It is known that the intermittent concussion that railway-work subjects them to, has a tendency to crystalize and so deteriorate the quality of either steel or iron. My object in intruding on your space is, to suggest a means of mitigating the melancholy consequences that almost invariably attend the least mishap to a locomotive at high velocities. What I would propose is, that to the tender of every locomotive there should be attached a self-acting contrivance, which would, by virtue of its construction, detach itself at a given angle, and not drag the carriages with it down an embankment or other equally objectionable place.—W. M.

THE CRYSTAL PALACE AT SYDENHAM.—We understand that the various styles of architecture, instructively serialized, are to be used in the ornamentation of the grounds. Fountains of considerable importance are contemplated, and a collection of full sized figures, representing the 120 divisions and subdivisions of the human race, prepared according to the classification of eminent ethnologists, and each placed in an attitude and situation suggestive of the habit of his race.